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Confederated Tribes and Bands
of the Yakima Indian Nation

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Established by the
Treaty of June 9, 1855

June 8, 1993

Mr. Roger Freeburg, Chief
U.S. Department of Energy
Environmental Programs Branch G6-75
POB 550
Richland, WA 99352-9959



RE: Scoping Comments HRA-EIS

Dear Mr. Freeburg:

Please accept the following comments on the scoping process for the HRA-EIS.

A short history lesson about the interests of the Yakama Nation. Prior to 1855, Bands and Tribes of indigenous people lived along the Columbia River and what is now the Columbia Basin area. A treaty was signed between the United States and these Bands and Tribes giving up this area of land which now includes the Hanford Reservation. However in giving up these rights, the indigenous people reserved and retained certain rights to these "Ceded lands". Some of those reserved rights include hunting, fishing, gathering of berries, foods, and medicines, erecting temporary curing structures and the grazing of animals within these ceded areas. These practices were prohibited after the Hanford Reservation was created for health, safety, and national security reasons. Now that remediation and removal are the call, the Yakima Nation wishes to intercede in the recommended clean up activities, protect its rights and educate the public about its interests in the land, the cultural and religious practices from time immemorial, and the burial sites of its ancestors.

1. A concern of the Yakima Tribe is the ongoing Tank leakage. It is a situation where leaking is unconfirmed but yet the contents seem to be disappearing somewhere. In addition to that concern is the lack of technology to prevent the leakage and inability to remediate and remove the leakage. DOE should make this concern a priority in developing technology to remediate and stop the leakage from the tanks that are on Hanford.

New technology and the trained personnel for this new technology should be utilized in the efforts to clean up or at the very least to prevent further damage to the environment.

2. The current practice of washing and cooling the waste in the Central Plateau area, or the 200 area, is also contributing and increasing the waste within Hanford. This despite the policy to remove and remediate waste from Hanford. And although there is no alternative to cooling these wastes, we believe that technology could be developed to prevent the run-off from seeping into the ground and contributing to the plumes. Some plumes are currently flowing into the Columbia River. This is a concern due to the emphasis on remedial and removal of waste from Hanford. Lack of technologically and economically unfeasible, are terms that describe the slow progress of reducing or stopping these plumes. At some point in time the health of people and the sensitive ecological system must take overriding concerns over what is technologically and economically unfeasible. The current administration and officials of DOE must take a stand that the clean up will begin now and not in the "future."

3. Another concern is the current practice of accepting off-site waste from other regions of the Country. One example is the current agreement with the Northwest States Compact of Low-Level Hazardous Waste and the Rocky Mountain Low-Level Hazardous Waste States to bring mixed waste to the Hanford Reservation. Although this agreement is with the states and not part of DOE, it increases hazardous waste on the Hanford Reservation. A specific concern over this "private" business of accepting low-level waste is that there appears to be the assumption that the "U.S. Ecology" site may be contaminated within the limits of its terms of the agreement- (0.25mSv) to whole body, (0.75mSv) to the thyroid, and (0.25mSv) to any other organ of the body- without any responsibility towards the factors of other and additional contamination near the site. The position taken by U.S. Ecology is that it disregards the other contamination in the area. That is there could be a cumulative effect from the surrounding contamination which could raise the level of dosage harmful not only to humans but to the biota. Another concern is the content of this waste. The content of that example agreement appears to contain some high level waste which is not only a violation of the Compact agreement, but is also prohibited due to the Hanford Reservation regulations that only low-level waste can be accepted. These state agreements must be closely monitored and prohibited for violations of the laws of the federal government.

4. DOE needs to propose and establish institutional controls in the Hanford area 100 years from now: 500 years from now. The goal of removal and remediation is to clean and close with a plan for free access and use, notwithstanding a transfer of land. Especially when the Department of Energy would like to transfer excess lands to other entities to reduce DOE responsibilities. In line with this concern, how is DOE or the federal government going to transfer land when there is a current prohibition to transfer contaminated land? How will the liability be resolved? It is our concern that DOE oversee, maintain, and control the Hanford Area

until such time as remedial and removal of waste is no longer necessary how ever long it takes. DOE is the only entity that has the funds and trained personnel to accomplish the huge task of clean up.

5. The areas North of the Columbia River and what is called the Arid Lands Ecology (ALE) areas are fairly clean and fairly uncontaminated. It is in these regions that the Yakama Tribe has most concerns as the ALE (Rattlesnake Mountain) is of significant interest. It is the birthplace of a religion and still practiced by the Yakama Tribe. It also holds many rare plants that need to be protected. In addition to those rare plants, there are other plants and roots that are utilized by the Yakama Tribe for food and medicine. It is these areas that are relatively clean and the Tribe would be very much interested in returning to this area to practice again its traditions, cultures, and religions.

The Hanford Reservation has been divided up to specific areas (ALE, North of the River, 100 area, 200 area, 300 area, Scattered sites). We assume this has been done so that portions of the Hanford Reservation can be released sooner than the others. Because of the interests that the Yakama Nation has with regards to access of these areas, we are concerned about the proposed uses and ownership of these areas.

It has been thoroughly discussed in the Hanford Future Use Site Working Group that commercial, residential, and agricultural use of these areas would be adverse to the interests of the Yakima Tribes use of these areas. Although portions of the area north of the River have been proposed for agricultural use, we recommend that all of the North of the River region be left in its natural state and placed under the jurisdiction of a public entity such as the U.S. Fish and Wildlife Service or the National Park Service, etc.

6. The area North of the River has many burial sites, ancient fishing villages, and was once "usual and accustomed fishing sites" for the Yakima people. In addition it contains many antiquities. Areas along the river and within the North of the River area also contain rare plant species that should be protected by a public entity. In line with those concerns would be the paleontology and antiquities in the area. In order to continue the right to fish at all usual and accustomed fishing sites, these areas must remain accessible as open and unclaimed land. As has been stated in paragraph 5, agricultural, commercial, and residential use would be adverse to the Yakima Nation's right to accessibility to this area. And as has been suggested in paragraph 5, these lands, if transferred should be transferred to a public entity.

7. It is our understanding that the ridge of Rattlesnake Mountain is currently being proposed for development. As has been stated in paragraph 5, Rattlesnake Mountain is a religious site. For that

reason alone, we oppose the proposal to develop and use Rattlesnake Mountain for development and technology. In addition, we are concerned with the adverse effects on birds, especially the endangered birds of prey that are on the Hanford Reservation. There are also many rare and sensitive species of plants on the ridge and slope of Rattlesnake that need to be carefully considered. A final note is that this would adversely affect the aesthetic scenery of Rattlesnake Mountain. This area should be considered for preservation and protection.

8. It is the intent and policy of Congress to clean up the Hanford Reservation. With this in mind, DOE should adopt a policy to prevent further contamination of the Hanford area. There are many proposals to bring further waste into the area. Also, corporations with their proposals for waste disposal and research and technology are contributing more waste into the Hanford area. Although technology is encouraged, there must be more restrictive, even prohibitive controls on further waste and contamination. There appears to be a trend to treat Hanford as a waste land to be exploited. We especially want contaminants that are near the river closely monitored due to the proximity to the Columbia river.

9. In conjunction with paragraph 8 is the concern of air pollution. Currently there are proposals for incinerators and calcinators which are unpopular with the public and restricted in some areas of the Hanford Reservation. Future technology may make incinerators more environmentally feasible. However, it is suggested that air quality be highly monitored by DOE. Although the state of Washington is upgrading its air quality standards, parts of which apply to Hanford, they are minimal standards paralleling the EPA standard. This is unacceptable for three reasons: 1) The State and EPA standards do not take into account the cumulative effect of the health hazards in the Hanford area. The area around Hanford is already contaminated in its soil and water. To contaminate the air would only compound the health risks. 2) Because of these cumulative health concerns, the air quality standards would not adequately address these cumulative effects. 3) The Columbia Basin area is a non-attainment area due to dust storms and sand storms that are more frequently appearing in the Columbia Basin area. In addition, it is difficult on a daily and even an hourly basis to know which way the wind would be blowing. Most of the data suggests that the wind blows in a northwesterly direction. There is very little data on contaminant affects wind may have on health and the environment due to difficulty in determining the effects on humans and the environment.

10. The fish and especially the salmon runs are affected by the contaminants that are spilling into the Columbia River. One of the main concerns for the sledging of the Columbia River was the adverse affect it would have on the salmon spawning in the Columbia River. The Columbia River must remain free flowing and free of contaminants. Statistics show that Native American Tribes eat

salmon as a primary source of nutrition. This concerns the Yakama Tribe as the toxic levels that have been surveyed do not take into consideration that many tribal members eat up to 44 times as much fish as the average intake of most other people. There are four Treaty Tribes which have fishing rights on the Columbia below the Hanford Reservation.¹

11. The Central Plateau area, or the 200 area, is highly contaminated. And as a result, has been designated as a proposed dumping ground for present and future waste. And as has been suggested by the Hanford Future Site Use Working Group, barriers or buffers are to be placed around the area for protection until such time as the waste is at safety levels. In addition, it was recommended that additional uses or dumping be compatible with present uses. We suggest here that disposal of future waste be restricted and limited to waste from on site.

We recommend that new technology be utilized for clean up. There is an abundance of new technology coming out which may not only clean the contamination but also be cost effective. This should be seriously explored.

12. The contaminant "Plumes" flowing into the Columbia River should be made a high priority to stop or reduce the flow into the Columbia River. And although it is stated that these health affects are negligible, the taint or public concern about these plumes are real. There is no current technology to deal with these plumes, but emphasis to address these concerns should be made a priority in future technology. Again as stated above in paragraph 11, new technology should be promoted and used for clean up. New technology has been developed for either remediation of the groundwater or at least to stop the flow to the Columbia River until such time as the technology is developed to clean up the River.

13. There are many endangered species within the Hanford area. And as has been stated, the protection of these species costs jobs. However the big picture indicates that at some point in time, mankind has to take responsibility to protect wildlife and not continue to bury its head in the sand and pass it on to the next generation.

Many raptors live on the Hanford Reservation and hunt along the Columbia River.

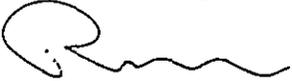
¹The Colville and Spokane Tribes have fishing rights above the Columbia River, and although there is very little salmon that make it that far up the River, those fish must still pass through contaminated waters.

14. There should be a full and complete study conducted on the damage to the natural resources of the Hanford Reservation. This would facilitate the clean up efforts on the Hanford Reservation. This may be accomplished by getting the Trustees on the Hanford Reservation involved and included in the clean up efforts. The natural resources would include the soil, microorganisms in the soil, air, surface water, groundwater, vegetation, and fauna. This would also include, past, present, and future use and ownership. In conjunction with that past use would also be the prohibition and restrictions on that usage.

It is ironic that the most pristine and aesthetic lands in the United States are also amongst the most contaminated lands in the United States. The world is getting smaller and smaller, and with that, it increases the need to become more responsible for the environment. It is time to take a stand and say enough, we must correct past mistakes and make a cleaner and safer world for those not yet born.

The Yakima Indian Reservation boundary is near the Hanford Reservation. Any catastrophic accidents would directly affect the health and safety of the residents of the Yakima Indian Reservation, an identified group of people who have been living in the area since time immemorial and is based upon a special relationship with the federal government. Under the Comprehensive Environmental Response Compensation and Liability Act and the subsequent Superfund Amendments (SARA), in the unlikely event of a catastrophe, the President of the United States has the authority to remove residents of an Indian Reservation in whole and place them in a "like" place away from the contamination. This would be adverse to our Treaty Rights. Thank you for the opportunity to comment on the HRA-EIS.

Sincerely,



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